

B-69



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matters of Leslie Rodenberger,  
Frank Diamente and Tsung-Chen  
Chang, Software Development  
Specialist 3 (PS7125U), Office of  
Information and Technology

Administrative Appeal

CSC Docket Nos. 2015-1586  
2015-1588 and  
2015-1589

ISSUED: FEB - 9 2015 (LDH)

The Office of Information and Technology (OIT) requests that the eligible list for Software Development Specialist 3 (PS7125U) be revived to allow for the retroactive permanent appointments of Leslie Rodenberger, effective November 30, 2013; and Frank Diamente and Tsung-Chen Chang, effective December 14, 2013.

By way of background, the subject eligible list which contained 24 names promulgated on February 10, 2011 and expired on February 9, 2014. Diamente, Rodenberger and Chang were listed as the second, fifth and sixth ranked eligibles. The third ranked eligible and an eligible tied as seventh were appointed October 6, 2012 and May 7, 2011, respectively. By way of letter dated November 26, 2014, the appointing authority requested that the subject list be revived to effectuate the appointments of Rodenberger, effective November 30, 2013; and Diamente and Chang both effective December 14, 2013, based on classification reviews of their positions completed by the Division of Classification and Personnel Management (CPM) on April 30, 2014, which determined that they have been performing the duties of Software Development Specialist 3.

The Director of Classification and Personnel Management recommends that the subject list be revived to effectuate Rodenberger, Diamente and Chang's permanent appointments.

## CONCLUSION

*N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. Additionally, *N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause.

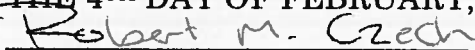
In the instant matter, the record establishes that Rodenberger, Diamente, and Chang are ranked second, fifth, and sixth respectively on the eligible list for Software Development Specialist 3 (PS7125U). Pursuant to an April 30, 2014 decision from CPM, Rodenberger, Diamente and Chang's positions were reclassified to a Software Development Specialist 3 classification effective November 30, 2013, December 14, 2013 and December 14, 2013 respectively. Both dates fall within the life of the eligibility list. Therefore, good cause has been established to revive the subject eligible list so that Diamente, Rodenberger and Chang may be appointed to the title of Software Development Specialist 3. Moreover, Diamente, Rodenberger and Chang shall also be given a retroactive date of appointment to November 30, 2013, December 14, 2013 and December 14, 2013, respectively, upon successful completion of a working test period, for salary step placement and seniority-based purposes only.

## ORDER

Therefore, it is ordered that this request be granted and the eligible list for Software Development Specialist 3 (PS7125U), OIT, be revived to effectuate the appointments of Leslie Rodenberger, Frank Diamente and Tsung-Chen Chang. It is also ordered that upon successful completion of a current working test period, Rodenberger, Diamente and Chang be given retroactive dates of appointment of November 30, 2013, December 14, 2013 and December 14, 2013, respectively, for salary step placement and seniority-based purposes only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 4<sup>TH</sup> DAY OF FEBRUARY, 2015



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Chairperson  
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